**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR**

**WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928**

**WP(C).No. 6672 of 2007(T)**

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**PETITIONER:**
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**M.R.JOY,**
**MENACHERRY, KAVARAPARAMBU, NAYATHODE P.O.,**
**ANGAMALY.**

**BY ADV. SRI.G.PRABHAKARAN**

**RESPONDENTS:**
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1. **THE REGIONAL TRANSPORT AUTHORITY,**
   **ERNAKULAM, REPRESENTED BY ITS SECRETARY.**

2. **THE SECRETARY,**
   **REGIONAL TRANSPORT AUTHORITY, ERNAKULAM.**

**BY GOVERNMENT PLEADER SMT.N.SUDHADEVI**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**W.P.(C) NO. 6672/2007**

**APPENDIX**

**PETITIONER'S EXHIBITS**

**EXT.P1:- COPY OF THE JUDGMENT DT.29.11.06 IN M.V.A.A. NO.704/06.**

**EXT.P2:- COPY OF THE PROCEEDINGS DT.20.12.06.**

**/TRUE COPY/**

**tss**

K.BALAKRISHNAN NAIR, J.

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W.P.(C) NO. 6672 OF 2007-T

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JUDGMENT

The petitioner applied for a regular permit on the route Nedumbassery Airport – Angamaly – Vattaparambu -Aluva. The said application was rejected by the R.T.A., Ernakulam, by decision dated 26.9.2006. The rejection was on the ground that the route objectionably overlaps a nationalised route. The S.T.A.T found that the said finding was not correct. It allowed the appeal by Ext.P1 judgment and directed to grant the permit, subject to settlement of timings. The R.T.A., which met on 20.12.2006 considered the matter and by Ext.P2 order, adjourned it for filing appeal against the decision of the S.T.A.T..

2. This Court has repeatedly reminded the R.T.A that it has no right of appeal against the order of the S.T.A.T. If it feels that the order of the S.T.A.T is wrong, it may bring the same to the notice of the Government, which may file a writ petition before this Court. The R.T.A cannot sit in appeal over the judgment of the S.T.A.T., even assuming it is wrong. In view of the above position, the R.T.A., Erankulam is directed to grant the permit as directed by the S.T.A.T in Ext.P1 judgment in accordance with

law within two months from the date of production of a copy of this judgment. This direction to grant permit is issued without prejudice to the right of the Government to challenge the judgment of the S.T.A.T. Further, this direction will be subject to any interim or final order that may be passed in the writ petition challenging Ext.P1 judgment.

The Writ petition is disposed of as above.

21st March, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/